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Oceans and the law of the sea

Australia, Brazil, Canada, Finland, Guatemala, Iceland, Italy, Japan, Mexico, Monaco, New Zealand, Portugal, South Africa, Sri Lanka, Sweden, Trinidad and Tobago, Turkey and Ukraine: draft resolution

Oceans and the law of the sea

The General Assembly,

Recalling its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 63/111 of 5 December 2008, and other relevant resolutions concerning the United Nations Convention on the Law of the Sea ("the Convention"),[1]

Having considered the report of the Secretary-General,[2] and also the reports on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") at its tenth meeting,[3] on the nineteenth Meeting of States Parties to the Convention,[4] and on the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects: the "assessment of assessments",[5]

Emphasizing the pre-eminent contribution provided by the Convention to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and to the promotion of the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in the Charter of the United Nations, as well as to the sustainable development of the oceans and seas,

Emphasizing also the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] A/64/66 and Add.1 and 2.
[3] A/64/131.
[4] SPLOS/203.
[5] A/64/88.

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the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21,[6]

Recognizing the important contribution of sustainable development and management of the resources and uses of the oceans and seas to the achievement of international development goals, including those contained in the United Nations Millennium Declaration,[7]

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole through an integrated, interdisciplinary and intersectoral approach, and reaffirming the need to improve cooperation and coordination at the national, regional and global levels, in accordance with the Convention, to support and supplement the efforts of each State in promoting the implementation and observance of the Convention and the integrated management and sustainable development of the oceans and seas,

Reiterating the essential need for cooperation, including through capacity-building and transfer of marine technology, to ensure that all States, especially developing countries, in particular the least developed countries and small island developing States, as well as coastal African States, are able both to implement the Convention and to benefit from the sustainable development of the oceans and seas, as well as to participate fully in global and regional forums and processes dealing with oceans and law of the sea issues,

Emphasizing the need to strengthen the ability of competent international organizations to contribute, at the global, regional, subregional and bilateral levels, through cooperation programmes with Governments, to the development of national capacity in marine science and the sustainable management of the oceans and their resources,

Recalling that marine science is important for eradicating poverty, contributing to food security, conserving the world's marine environment and resources, helping to understand, predict and respond to natural events and promoting the sustainable development of the oceans and seas, by improving knowledge, through sustained research efforts and the evaluation of monitoring results, and applying such knowledge to management and decision-making,

Reiterating its deep concern at the serious adverse impacts on the marine environment and biodiversity, in particular on vulnerable marine ecosystems, including corals, hydrothermal vents and seamounts, of certain human activities,

Emphasizing the need for the safe and environmentally sound recycling of ships,

Expressing deep concern over the adverse economic, social and environmental impacts of the physical alteration and destruction of marine habitats that may result from land-based and coastal development activities, in particular those land reclamation activities that are carried out in a manner that has a detrimental impact on the marine environment,

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[6] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

[7] See resolution 55/2.

Reiterating its serious concern over the current and projected adverse effects of climate change on the marine environment and marine biodiversity, and emphasizing the urgency of addressing this issue,

Expressing concern that climate change continues to increase the severity and incidence of coral bleaching throughout tropical seas and weakens the ability of reefs to withstand ocean acidification, which could have serious and irreversible negative effects on marine organisms, particularly corals, as well as to withstand other pressures, including overfishing and pollution,

Reiterating its deep concern over the vulnerability of the environment and the fragile ecosystems of the polar regions, including the Arctic Ocean and the Arctic ice cap, particularly affected by the projected adverse effects of climate change,

Recognizing that there is a need for a more integrated approach and to further study and promote measures for enhanced cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction,

Recognizing also that the realization of the benefits of the Convention could be enhanced by international cooperation, technical assistance and advanced scientific knowledge, as well as by funding and capacity-building,

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and encouraging further efforts towards electronic charting, which not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection,

Emphasizing that underwater archaeological, cultural and historical heritage, including shipwrecks and watercrafts, holds essential information on the history of humankind and that such heritage is a resource that needs to be protected and preserved,

Noting with concern the continuing problem of transnational organized crime committed at sea, including illicit traffic in narcotic drugs and psychotropic substances, the smuggling of migrants and trafficking in persons, and threats to maritime safety and security, including piracy, armed robbery at sea, smuggling and terrorist acts against shipping, offshore installations and other maritime interests, and noting the deplorable loss of life and adverse impact on international trade, energy security and the global economy resulting from such activities,

Noting the importance of the delineation of the outer limits of the continental shelf beyond 200 nautical miles and that it is in the broader interest of the international community that coastal States with a continental shelf beyond 200 nautical miles submit information on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf ("the Commission"), and welcoming the submissions by a considerable number of States Parties on the outer limits of their continental shelf beyond 200 nautical miles to the Commission, that the Commission has continued to fulfil its role, including of

making recommendations to coastal States, and that the summaries of recommendations have been made publicly available,[8]

Noting also that many coastal States Parties have submitted preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, as provided for in the decision of the eighteenth Meeting of States Parties to the Convention regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfil the requirements of article 4 of annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a),[9]

Noting further that some coastal States may continue to face particular challenges in relation to preparing and presenting submissions to the Commission,

Noting that financial and technical assistance may be sought by developing countries for activities in relation to preparing and presenting submissions to the Commission, including through the voluntary trust fund established by resolution 55/7 of 30 October 2000 for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention, as well as other accessible international assistance,

Recognizing the importance of the trust funds established by resolution 55/7 in facilitating the participation of members of the Commission from developing States in the meetings of the Commission and in fulfilling the requirements of article 4 of annex II to the Convention, while noting with appreciation the recent contributions made to them,

Reaffirming the importance of the work of the Commission for coastal States and for the international community,

Recognizing the significant workload of the Commission in view of the large number of submissions already received and a number of submissions yet to be received, placing additional demands and challenges on its members and the secretariat as provided by the Secretary-General of the United Nations through the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs ("the Division"),

Noting with concern the projected timetable of the work of the Commission[10] on the submissions already received by it and those yet to be received and, in this regard, the consequences of the duration of the sessions of the Commission and the meetings of its subcommissions,

Recognizing significant inequities and difficulties for States arising out of the projected timetable, including with respect to retaining expertise, when there is a considerable delay between preparation of submissions and their consideration by the Commission,

Recognizing also the need to take action to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively, and maintain its high level of quality and expertise,

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[8] Available from www.un.org/Depts/los/index.htm.

[9] SPLOS/183.

[10] See SPLOS/203, paras. 81-83.

Welcoming the agreed outcome reflected in the report of the nineteenth Meeting of States Parties to the Convention regarding the workload of the Commission, and noting in particular its decision to continue to address the issues related to the workload of the Commission as a matter of priority, as well as the decision of the Meeting of States Parties that its bureau would facilitate an informal working group to continue consideration of the issues related to the workload of the Commission,[11]

Recalling its decision, in resolutions 57/141 of 12 December 2002 and 58/240 of 23 December 2003, to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, both current and foreseeable, building on existing regional assessments, as recommended by the World Summit on Sustainable Development,[12] and noting the need for cooperation among all States to this end,

Recalling also the launching of the start-up phase, the "assessment of assessments", and noting the work carried out by the Group of Experts under the guidance of the Ad Hoc Steering Group and with the assistance of the lead agencies, the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, and the support provided by other organizations and experts,

Recognizing the importance and the contribution of the work of the Consultative Process established by resolution 54/33 of 24 November 1999 to facilitate the annual review of developments in ocean affairs by the General Assembly,

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 of 6 December 1994, 52/26 of 26 November 1997 and 54/33, and in this context the substantial increase in activities of the Division, in particular in view of the growing number of requests to the Division for additional outputs and servicing of meetings, its increasing capacity-building activities, the need for enhanced support and assistance to the Commission and the role of the Division in inter-agency coordination and cooperation,

Reaffirming the importance of the work of the International Seabed Authority ("the Authority") in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Part XI Agreement"),[13]

Reaffirming also the importance of the work of the International Tribunal for the Law of the Sea ("the Tribunal") in accordance with the Convention,

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[11] Ibid., para. 95.

[12] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[13] United Nations, *Treaty Series*, vol. 1836, No. 31364.

I

Implementation of the Convention and related agreements and instruments

1. *Reaffirms* its annual resolutions on the law of the sea and on oceans and the law of the sea, including resolution 63/111, and other relevant resolutions concerning the Convention;[1]

2. *Also reaffirms* the unified character of the Convention and the vital importance of preserving its integrity;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become Parties to the Convention and the Part XI Agreement;[13]

4. *Calls upon* States that have not done so, in order to achieve the goal of universal participation, to become Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Fish Stocks Agreement");[14]

5. *Calls upon* States to harmonize their national legislation with the provisions of the Convention and, where applicable, relevant agreements and instruments, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding to the Convention do not purport to exclude or to modify the legal effect of the provisions of the Convention in their application to the State concerned and to withdraw any such declarations or statements;

6. *Calls upon* States Parties to the Convention that have not yet done so to deposit with the Secretary-General charts or lists of geographical coordinates, as provided for in the Convention;

7. *Urges* all States to cooperate, directly or through competent international bodies, in taking measures to protect and preserve objects of an archaeological and historical nature found at sea, in conformity with the Convention, and calls upon States to work together on such diverse challenges and opportunities as the appropriate relationship between salvage law and scientific management and conservation of underwater cultural heritage, increasing technological abilities to discover and reach underwater sites, looting and growing underwater tourism;

8. *Notes* the entry into force of the 2001 Convention on the Protection of the Underwater Cultural Heritage[15] on 2 January 2009, and notes in particular the rules annexed thereto, which address the relationship between salvage law and scientific principles of management, conservation and protection of underwater cultural heritage among Parties, their nationals and vessels flying their flag;

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[14] Ibid., vol. 2167, No. 37924.

[15] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October-3 November 2001*, vol. 1 and corrigendum: *Resolutions*, resolution 24.

II
Capacity-building

9. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

10. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

11. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

12. *Also calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to strengthen capacity-building activities in developing countries, in particular least developed countries and small island developing States, to develop their maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to promote effective compliance with, and implementation and enforcement of, their responsibilities under international law;

13. *Recognizes* the importance of the work of the International Maritime Law Institute of the International Maritime Organization as a centre of education and training of Government legal advisers, mainly from developing States, notes that the number of its graduates in 115 States confirms its effective capacity-building role in the field of international law, congratulates the Institute on the celebration of its twentieth anniversary, and urges States, intergovernmental organizations and financial institutions to make voluntary financial contributions to the budget of the Institute;

14. *Also recognizes* the importance of the World Maritime University of the International Maritime Organization as a centre for maritime education and research, confirms its effective capacity-building role in the field of maritime transportation, policy, administration, management, safety, security and environmental protection as well as its role in the international exchange and transfer of knowledge, notes that almost 2,900 persons from 157 countries have graduated from the University since it was founded in 1983, welcomes the increasing number of students, and urges States, intergovernmental organizations and other bodies to make voluntary financial contributions to the University;

15. *Welcomes* ongoing activities for capacity-building so as to address maritime security and safety needs and the protection of the marine environment of developing States, and encourages States and international financial institutions to provide additional funding for capacity-building programmes, including for transfer of technology, including through the International Maritime Organization and other competent international organizations;

16. *Recognizes* the considerable need to provide sustained capacity-building assistance, including on financial and technical aspects, by relevant international organizations and donors to developing States, with a view to further strengthening their capacity to take effective measures against the multiple facets of international criminal activities at sea, in line with the relevant international instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[16]

17. *Also recognizes* the need to build the capacity of developing States to raise awareness of, and support the implementation of, improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine pollution from land-based sources and marine debris;

18. *Further recognizes* the importance of assisting developing States, in particular the least developed countries and small island developing States, as well as coastal African States, in implementing the Convention, and urges States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, to make voluntary financial or other contributions to the trust funds, as referred to in resolution 57/141, established for this purpose;

19. *Encourages* States to use the Criteria and Guidelines on the Transfer of Marine Technology adopted by the Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization,[17] and recalls the important role of the secretariat of that Commission in the implementation and promotion of the Criteria and Guidelines;

20. *Calls upon* States to continue to assist developing States, and especially the least developed countries and small island developing States, as well as coastal African States, at the bilateral and, where appropriate, multilateral levels, in the preparation of submissions to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, including the assessment of the nature and extent of the continental shelf of a coastal State, and recalls that coastal States can make requests to the Commission for scientific and technical advice in the preparation of data for their submissions, in accordance with article 3 of annex II to the Convention;

21. *Calls upon* the Division to continue to disseminate information on relevant procedures related to the trust fund established for the purpose of facilitating the preparation of submissions to the Commission and to continue its dialogue with potential beneficiaries with a view to providing financial support to developing countries for activities to facilitate their making a submission in

[16] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[17] See Intergovernmental Oceanographic Commission, document IOC/INF-1203.

accordance with the requirements of article 76 of the Convention and with the rules of procedure[18] and the Scientific and Technical Guidelines of the Commission;[19]

22. *Requests* the Secretary-General, in cooperation with States and relevant international organizations and institutions, to continue to support training and other activities to assist developing States in the preparation and presentation of their submissions to the Commission;

23. *Notes with appreciation* the regional workshop of the Tribunal, held in Cape Town, South Africa, from 7 to 10 October 2009, on the role of the Tribunal in the settlement of disputes relating to the law of the sea;

24. *Invites* Member States and others in a position to do so to support the capacity-building activities of the Division, including, in particular, the training and other activities to assist developing States in the preparation of their submissions to the Commission, and invites Member States and others in a position to do so to contribute to the trust fund established by the Secretary-General for the Office of Legal Affairs to support the promotion of international law;

25. *Recognizes* the important contribution of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea to the capacity-building of developing countries and the promotion of the law of the sea, reiterates its serious concern regarding the continued lack of resources, which has prevented the implementation of the twenty-second and subsequent awards, advises the Secretary-General to continue to finance the Fellowship from resources made available through an appropriate Office of Legal Affairs trust fund, reiterates its urgent appeal to Member States and others in a position to do so to contribute generously to the further development of the Fellowship to ensure that it is awarded every year, and requests the Secretary-General to include the Fellowship on the list of trust funds for the United Nations Pledging Conference for Development Activities;

26. *Recognizes* the contribution that the United Nations-Nippon Foundation of Japan Fellowship Programme, which has awarded 50 fellowships to individuals from 44 Member States since 2005 and in April 2009 launched a fellowship alumni programme with an inaugural meeting of the Asia-Pacific alumni at the Foundation's headquarters in Tokyo, has made to human resources development for developing coastal States Parties and non-Parties to the Convention in the field of ocean affairs and the law of the sea or related disciplines;

III
Meeting of States Parties

27. *Welcomes* the report of the nineteenth Meeting of States Parties to the Convention;[4]

28. *Requests* the Secretary-General to convene the twentieth Meeting of States Parties in New York, from 14 to 18 June 2010, and to provide the services required;

[18] CLCS/40/Rev.1.

[19] CLCS/11 and Corr.1 and Add.1 and Add.1/Corr.1.

IV
Peaceful settlement of disputes

29. *Notes with satisfaction* the continued and significant contribution of the Tribunal to the settlement of disputes by peaceful means in accordance with Part XV of the Convention, and underlines the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Part XI Agreement;

30. *Equally pays tribute* to the important and long-standing role of the International Court of Justice with regard to the peaceful settlement of disputes concerning the law of the sea;

31. *Notes* that States Parties to an international agreement related to the purposes of the Convention may submit to, inter alia, the Tribunal or the International Court of Justice any dispute concerning the interpretation or application of that agreement submitted in accordance with that agreement, and notes also the possibility, provided for in the statutes of the Tribunal and the Court, to submit disputes to a chamber;

32. *Encourages* States Parties to the Convention that have not yet done so to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning the interpretation or application of the Convention and the Part XI Agreement, bearing in mind the comprehensive character of the dispute settlement mechanism provided for in Part XV of the Convention;

V
The Area

33. *Notes* the progress made by the Authority in its deliberations, urges the finalization of the regulations for prospecting and exploration for polymetallic sulphides at its sixteenth session, and encourages progress on the regulations for prospecting and exploration for cobalt-rich ferromanganese crusts in the Area, and reiterates the importance of the ongoing elaboration by the Authority, pursuant to article 145 of the Convention, of rules, regulations and procedures to ensure the effective protection of the marine environment, for, inter alia, the protection and conservation of the natural resources of the Area, and for the prevention of damage to the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area;

34. *Also notes* the importance of the responsibilities entrusted to the Authority by articles 143 and 145 of the Convention, which refer to marine scientific research and protection of the marine environment, respectively;

VI
Effective functioning of the Authority and the Tribunal

35. *Appeals* to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time, and also appeals to States Parties in arrears with their contributions to fulfil their obligations without delay;

36. *Urges* all States Parties to the Convention to attend the sessions of the Authority, and calls upon the Authority to continue to pursue all options, including making concrete recommendations on the issue of dates, in order to improve attendance in Kingston and to ensure global participation;

37. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal[20] and to the Protocol on the Privileges and Immunities of the Authority;[21]

38. *Emphasizes* the importance of the Tribunal's rules and staff regulations in promoting the recruitment of a geographically representative staff in the Professional and higher categories, and welcomes the actions taken by the Tribunal in observance of those rules and regulations;

VII
The continental shelf and the work of the Commission

39. *Recalls* that, in accordance with article 76, paragraph 8, of the Convention, information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf, set up under annex II on the basis of equitable geographical representation, that the Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf, and that the limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding;

40. *Recalls further* that, in accordance with article 77, paragraph 3, of the Convention, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation;

41. *Notes with satisfaction* that a considerable number of States Parties to the Convention have submitted information to the Commission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles, in conformity with article 76 of the Convention and article 4 of annex II to the Convention, taking into account the decision of the eleventh Meeting of States Parties to the Convention contained in SPLOS/72, paragraph (a);

42. *Notes also with satisfaction* that a considerable number of States Parties to the Convention have submitted to the Secretary-General, pursuant to the decision of the eighteenth Meeting of States Parties to the Convention,[22] preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles and a description of the status of preparation and intended date of submission in accordance with the requirements of article 76 of the Convention and with the rules of procedure and the Scientific and Technical Guidelines of the Commission;

43. *Notes with further satisfaction* the progress in the work of the Commission[23] and that it is giving current consideration to a number of submissions

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[20] United Nations, *Treaty Series*, vol. 2167, No. 37925.

[21] Ibid., vol. 2214, No. 39357.

[22] SPLOS/183, para. 1 (a).

[23] CLCS/62 and CLCS/64.

that have been made regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles;

44. *Notes with satisfaction* that the Commission, taking into account the decision of the eighteenth Meeting of States Parties to the Convention contained in SPLOS/183, paragraph 3, has compiled lists of websites of organizations, data/information portals and data holders where general information and publicly available scientific and technical data can be accessed that may be relevant to the preparation of submissions, and has made this information available on its website;

45. *Takes note of* the recommendations made by the Commission on the submissions of a number of States, and welcomes the fact that summaries of recommendations are being made publicly available;[8]

46. *Notes* that consideration by the Commission of submissions by coastal States in accordance with article 76 and annex II of the Convention is without prejudice to the application of other parts of the Convention by States Parties;

47. *Notes with concern* that the heavy workload of the Commission, owing to the considerable number of submissions, places additional demands and challenges on its members and the secretariat as provided by the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

48. *Takes note of* the decision of the nineteenth Meeting of States Parties to the Convention, as reflected in the report of the Meeting,[24] to continue to address, as a matter of priority, issues related to the workload of the Commission, including funding for its members attending the sessions of the Commission and the meetings of the subcommissions, and, in particular, the decision that its bureau will facilitate an informal working group to continue consideration of the issues;

49. *Reiterates* the duty of States under the Convention, whose experts are serving on the Commission, to defray the expenses of the experts they have nominated while in performance of Commission duties, and calls upon these States to do their utmost to ensure the full participation of those experts in the work of the Commission, including the meetings of subcommissions, in accordance with the Convention;

50. *Requests* the Secretary-General to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, including in the context of the proposed programme budget for the biennium 2010-2011, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the rules of procedure of the Commission, in particular its human resources taking into account the need for simultaneous work on several submissions;

51. *Urges* the Secretary-General to continue to provide all necessary secretariat services to the Commission in accordance with article 2, paragraph 5, of annex II to the Convention;

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[24] See SPLOS/203, para. 95.

52. *Encourages* States to participate actively and contribute constructively to the ongoing work of the informal working group considering the issues related to the workload of the Commission, so that the Meeting of States Parties may consider ways and means, including short-, medium- and long-term measures, to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

53. *Requests* the Secretary-General to consider comments of the informal working group, which are invited as soon as possible before mid-February, in the context of the update of the report of the Secretary-General, document SPLOS/157;

54. *Encourages* States to make additional contributions to the voluntary trust fund established by resolution 55/7 for the purpose of facilitating the preparation of submissions to the Commission and to the voluntary trust fund also established by that resolution for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission;

55. *Approves* the convening by the Secretary-General of the twenty-fifth and twenty-sixth sessions of the Commission in New York, from 15 March to 23 April 2010 and from 2 to 27 August 2010, respectively, with full conference services for the plenary parts of these sessions,[25] and requests the Secretary-General to make every effort to meet these requirements within overall existing resources, on the understanding that the following periods will be used for the technical examinations of submissions at the Geographic Information System laboratories and other technical facilities of the Division: 15 March to 1 April 2010; 19 to 23 April 2010; and 2 to 13 August 2010;

56. *Expresses its firm conviction* about the importance of the work of the Commission, carried out in accordance with the Convention, including with respect to the participation of coastal States in relevant proceedings concerning their submissions, and recognizes the continued need for active interaction between coastal States and the Commission;

57. *Encourages* States to continue exchanging views in order to increase understanding of issues, including expenditures involved, arising from the application of article 76 of the Convention, thus facilitating the preparation of submissions by States, in particular developing States, to the Commission;

58. *Notes* the number of submissions yet to be considered by the Commission and, in this regard, stresses the urgent need for States Parties to the Convention to take appropriate and prompt steps that will allow the Commission to consider the increased number of submissions in a timely, efficient and effective manner;

59. *Requests* the Secretary-General, in cooperation with Member States, to continue supporting workshops or symposiums on scientific and technical aspects of the establishment of the outer limits of the continental shelf beyond 200 nautical miles, taking into account the need to strengthen capacity-building for developing countries in preparing their submissions;

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[25] From 5 to 16 April 2010 and from 16 to 27 August 2010.

VIII
Maritime safety and security and flag State implementation

60. *Encourages* States to ratify or accede to international agreements addressing the safety and security of navigation, as well as maritime labour, and to adopt the necessary measures consistent with the Convention and other relevant international instruments aimed at implementing and enforcing the rules contained in those agreements, and emphasizes the need for capacity-building for and assistance to developing States;

61. *Recognizes* that the legal regimes governing maritime safety and maritime security may have common and mutually reinforcing objectives that may be interrelated and could benefit from synergies, and encourages States to take this into account in their implementation;

62. *Emphasizes* that safety and security measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to their working conditions;

63. *Invites* States that have not yet done so to ratify or accede to the Maritime Labour Convention, 2006, the Work in Fishing Convention, 2007 (No. 188) and the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) of the International Labour Organization and to effectively implement those Conventions, and emphasizes the need to provide to States, at their request, technical cooperation and assistance in that regard;

64. *Emphasizes* the need for further efforts to promote a culture of safety and security in the shipping industry and to address the shortage of adequately trained personnel, notes the importance of the process in the International Maritime Organization to review the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978,[26] and urges the establishment of more centres to provide the required education and training;

65. *Welcomes* ongoing cooperation among the Food and Agriculture Organization of the United Nations, the International Maritime Organization and the International Labour Organization relating to the safety of fishers and fishing vessels, underlines the urgent need for continued work in that area, and takes note of discussions in the Food and Agriculture Organization of the United Nations on the merit of an international plan of action in this area;

66. *Encourages* continued cooperation of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with the International Maritime Organization on regulations on the prevention of pollution from ships;[27]

67. *Calls upon* States to participate in the diplomatic conference to be convened by the International Maritime Organization in 2010 on a protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996;

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[26] United Nations, *Treaty Series*, vol. 1361, No. 23001.

[27] See UNEP/CHW.9/39, annex I, decision IX/12.

68. *Recalls* that all actions taken to combat threats to maritime security must be in accordance with international law, including the principles embodied in the Charter and the Convention;

69. *Recognizes* the crucial role of international cooperation at the global, regional, subregional and bilateral levels in combating, in accordance with international law, threats to maritime security, including piracy, armed robbery at sea, terrorist acts against shipping, offshore installations and other maritime interests, through bilateral and multilateral instruments and mechanisms aimed at monitoring, preventing and responding to such threats, the enhanced sharing of information among States relevant to the detection, prevention and suppression of such threats, and the prosecution of offenders with due regard to national legislation, and the need for sustained capacity-building to support such objectives;

70. *Notes* that piracy affects the entire range of vessels engaged in maritime activities;

71. *Emphasizes* the importance of prompt reporting of incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization;

72. *Calls upon* States to take appropriate steps under their national law to facilitate the apprehension and prosecution of those who are alleged to have committed acts of piracy;

73. *Urges* all States, in cooperation with the International Maritime Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration;

74. *Invites* all States, the International Maritime Organization and the International Labour Organization to consider possible solutions for the seafarers and fishers who are victims of pirates;

75. *Takes note* of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division with respect to the compilation of national legislation on piracy;

76. *Welcomes* the significant decrease in the number of attacks by pirates and armed robbers in the Asian region through increased national, bilateral and trilateral initiatives as well as regional cooperative mechanisms, and calls upon other States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level on combating piracy and armed robbery against ships;

77. *Expresses serious concern* regarding continued increases in incidents of piracy and armed robbery at sea off the coast of Somalia, expresses alarm in particular at the hijacking of vessels, supports the recent efforts to address this

problem at the global and regional levels, notes the adoption by the Security Council of resolutions 1816 (2008) of 2 June 2008, 1838 (2008) of 7 October 2008, 1846 (2008) of 2 December 2008 and 1851 (2008) of 16 December 2008, and also notes that the authorization in resolution 1816 (2008) and the provisions in resolutions 1838 (2008), 1846 (2008) and 1851 (2008) apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular the fact that they are not to be considered as establishing customary international law;

78. *Notes* the establishment of the Contact Group on Piracy off the Coast of Somalia on 14 January 2009, following the adoption of Security Council resolution 1851 (2008), and the ongoing efforts within the Contact Group, and commends contributions of all States in the efforts to fight piracy off the coast of Somalia;

79. *Recognizes* the importance of a comprehensive and sustainable settlement of the situation in Somalia and the primary role of the Transitional Federal Government in rooting out piracy and armed robbery against ships, and further re-emphasizes the need, in particular, to assist Somalia and States in the region in strengthening capacity to fight piracy and armed robbery against ships off the coast of Somalia and bring to justice those involved in piracy and armed robbery at sea;

80. *Notes* the approval by the International Maritime Organization of revised recommendations to Governments for preventing and suppressing piracy and armed robbery against ships (MSC.1/Circ.1333), revised guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships (MSC.1/Circ.1334) and the Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships (resolution A.922(22)), as well as the endorsement of Best Management Practices to Deter Piracy in the Gulf of Aden and off the coast of Somalia (MSC.1/Circ.1335);

81. *Invites* the Assembly of the International Maritime Organization to consider adopting a resolution on commitments to best management practices to avoid, deter or delay acts of piracy;

82. *Welcomes* the adoption on 29 January 2009 of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden (Djibouti Code of Conduct) under the auspices of the International Maritime Organization, the establishment of the International Maritime Organization Djibouti Code Trust Fund, a multi-donor trust fund initiated by Japan, and the ongoing activities for the implementation of the Code;

83. *Urges* States to ensure the full implementation of resolution A.1002(25) of the International Maritime Organization on acts of piracy and armed robbery against ships in waters off the coast of Somalia;

84. *Calls upon* States that have not yet done so to become Parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[28] invites States to consider

[28] United Nations, *Treaty Series*, vol. 1678, No. 29004.

becoming Parties to the 2005 Protocols amending those instruments,[29] and urges States Parties to take appropriate measures to ensure the effective implementation of those instruments through the adoption of legislation, where appropriate;

85. *Also calls upon* States to effectively implement the International Ship and Port Facility Security Code and the amendments to the International Convention for the Safety of Life at Sea,[30] and to work with the International Maritime Organization to promote safe and secure shipping while ensuring freedom of navigation;

86. *Urges* all States, in cooperation with the International Maritime Organization, to improve the protection of offshore installations by adopting measures related to the prevention, reporting and investigation of acts of violence against installations, in accordance with international law, and by implementing such measures through national legislation to ensure proper and adequate enforcement;

87. *Emphasizes* the progress in regional cooperation, including the efforts of littoral States, on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore, and the effective functioning of the Cooperative Mechanism on safety of navigation and environmental protection to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders in line with article 43 of the Convention, and notes with appreciation the convening of the second Cooperation Forum and second Project Coordination Committee meeting in Singapore, from 14 to 16 October 2009, and the fourth Aids to Navigation Fund Committee Meeting in Malaysia, from 19 to 20 October 2009, the three events being key pillars of the Cooperative Mechanism, and the important role of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, and calls upon States to give immediate attention to adopting, concluding and implementing cooperation agreements at the regional level;

88. *Recognizes* that some transnational organized criminal activities threaten legitimate uses of the oceans and endanger the lives of people at sea;

89. *Notes* that transnational organized criminal activities are diverse and may be interrelated in some cases and that criminal organizations are adaptive and take advantage of the vulnerabilities of States, in particular coastal and small island developing States in transit areas, and calls upon States and relevant intergovernmental organizations to increase cooperation and coordination at all levels to detect and suppress the smuggling of migrants and trafficking in persons, in accordance with international law;

90. *Recognizes* the importance of enhancing international cooperation at all levels to fight transnational organized criminal activities, including illicit traffic in narcotic drugs and psychotropic substances, within the scope of the United Nations instruments against illicit drug trafficking, as well as the smuggling of migrants and

[29] International Maritime Organization, documents LEG/CONF.15/21 and 22.

[30] International Maritime Organization, documents SOLAS/CONF.5/32 and 34, as well as resolution MSC.202(81) introducing the long-range identification and tracking of ships system.

trafficking in persons and criminal activities at sea falling within the scope of the United Nations Convention against Transnational Organized Crime;[31]

91. *Calls upon* States that have not yet done so to become Parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[32] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[33] and to take appropriate measures to ensure their effective implementation;

92. *Calls upon* States to ensure freedom of navigation, the safety of navigation and the rights of transit passage, archipelagic sea lanes passage and innocent passage in accordance with international law, in particular the Convention;

93. *Welcomes* the work of the International Maritime Organization relating to the protection of shipping lanes of strategic importance and significance, and in particular in enhancing safety, security and environmental protection in straits used for international navigation, and calls upon the International Maritime Organization, States bordering straits and user States to continue their cooperation to keep such straits safe, secure and environmentally protected and open to international navigation at all times, consistent with international law, in particular the Convention;

94. *Calls upon* user States and States bordering straits used for international navigation to continue to cooperate by agreement on matters relating to navigational safety, including safety aids for navigation, and the prevention, reduction and control of pollution from ships, and welcomes developments in this regard;

95. *Calls upon* States that have accepted the amendments to regulation XI-1/6 of the International Convention for the Safety of Life at Sea, 1974, to implement the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident,[34] which will take effect on 1 January 2010;[35]

96. *Calls upon* States to consider becoming members of the International Hydrographic Organization, and urges all States to work with that Organization to increase the coverage of hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;

97. *Encourages* States to continue their efforts in the implementation of all areas of the Action Plan for the Safety of Transport of Radioactive Material,

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[31] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[32] Ibid., vol. 2241, No. 39574.

[33] Ibid., vol. 2237, No. 39574.

[34] International Maritime Organization, document MSC 84/24/Add.1, annex 1, resolution MSC.255(84).

[35] International Maritime Organization, document MSC 84/24/Add.1, annex 3, resolution MSC.257(84).

approved by the Board of Governors of the International Atomic Energy Agency in March 2004;[36]

98. *Also notes* that cessation of the transport of radioactive materials through the regions of small island developing States is an ultimate desired goal of small island developing States and some other countries, and recognizes the right of freedom of navigation in accordance with international law; that States should maintain dialogue and consultation, in particular under the auspices of the International Atomic Energy Agency and the International Maritime Organization, with the aim of improved mutual understanding, confidence-building and enhanced communication in relation to the safe maritime transport of radioactive materials; that States involved in the transport of such materials are urged to continue to engage in dialogue with small island developing States and other States to address their concerns; and that these concerns include the further development and strengthening, within the appropriate forums, of international regulatory regimes to enhance safety, disclosure, liability, security and compensation in relation to such transport;

99. *Acknowledges*, in the context of paragraph 98 above, the potential environmental and economic impacts of maritime incidents and accidents on coastal States, in particular those related to the transport of radioactive materials, and emphasizes the importance of effective liability regimes in that regard;

100. *Encourages* States to draw up plans and to establish procedures to implement the Guidelines on Places of Refuge for Ships in Need of Assistance;[37]

101. *Invites* States that have not yet done so to consider becoming Parties to the Nairobi International Convention on the Removal of Wrecks, 2007;[38]

102. *Requests* States to take appropriate measures with regard to ships flying their flag or of their registry to address hazards that may be caused by wrecks and drifting or sunken cargo to navigation or the marine environment;

103. *Calls upon* States to ensure that masters on ships flying their flag take the steps required by relevant instruments[39] to provide assistance to persons in distress at sea, and urges States to cooperate and to take all necessary measures to ensure the effective implementation of the amendments to the International Convention on Maritime Search and Rescue[40] and to the International Convention for the Safety of Life at Sea[41] relating to the delivery of persons rescued at sea to a place of safety, as well as of the associated Guidelines on the Treatment of Persons Rescued at Sea;[42]

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[36] Available from www-ns.iaea.org.

[37] International Maritime Organization, Assembly resolution A.949(23).

[38] International Maritime Organization, document LEG/CONF.16/19.

[39] The International Convention for the Safety of Life at Sea, 1974, the International Convention on Maritime Search and Rescue, 1979, as amended, the United Nations Convention on the Law of the Sea, 1982, and the International Convention on Salvage, 1989.

[40] International Maritime Organization, document MSC 78/26/Add.1, annex 5, resolution MSC.155(78).

[41] International Maritime Organization, document MSC 78/26/Add.1, annex 3, resolution MSC.153(78).

[42] International Maritime Organization, document MSC 78/26/Add.2, annex 34, resolution MSC.167(78).

104. *Recognizes* that all States must fulfil their search and rescue responsibilities and the ongoing need for the International Maritime Organization and other relevant organizations to assist, in particular, developing States both to increase their search and rescue capabilities, including through the establishment of additional rescue coordination centres and regional subcentres, and to take effective action to address, to the extent feasible, the issue of unseaworthy ships and small craft within their national jurisdiction;

105. *Welcomes* the ongoing work of the International Maritime Organization in relation to disembarkation of persons rescued at sea, and notes in this regard the need to implement all relevant international instruments;

106. *Calls upon* States to continue to cooperate in developing comprehensive approaches to international migration and development, including through dialogue on all their aspects;

107. *Reaffirms* that flag, port and coastal States all bear responsibility for ensuring the effective implementation and enforcement of international instruments relating to maritime security and safety, in accordance with international law, in particular the Convention, and that flag States have primary responsibility that requires further strengthening, including through increased transparency of ownership of vessels;

108. *Urges* flag States without an effective maritime administration and appropriate legal frameworks to establish or enhance the necessary infrastructure, legislative and enforcement capabilities to ensure effective compliance with, and implementation and enforcement of, their responsibilities under international law, in particular the Convention, and, until such action is taken, to consider declining the granting of the right to fly their flag to new vessels, suspending their registry or not opening a registry, and calls upon flag and port States to take all measures consistent with international law necessary to prevent the operation of substandard vessels;

109. *Recognizes* that international shipping rules and standards adopted by the International Maritime Organization in respect of maritime safety, efficiency of navigation and the prevention and control of marine pollution, complemented by best practices of the shipping industry, have led to a significant reduction in maritime accidents and pollution incidents, and encourages all States to participate in the Voluntary International Maritime Organization Member State Audit Scheme;[43]

110. *Also recognizes* that maritime safety can also be improved through effective port State control, the strengthening of regional arrangements and increased coordination and cooperation among them, and increased information-sharing, including among safety and security sectors;

111. *Encourages* flag States to take appropriate measures sufficient to achieve or maintain recognition by intergovernmental arrangements that recognize satisfactory flag State performance, including, as appropriate, satisfactory port State control examination results on a sustained basis, with a view to improving quality shipping and furthering flag State implementation of relevant instruments under the International Maritime Organization as well as relevant goals and objectives of the present resolution;

[43] International Maritime Organization, Assembly resolution A.946(23).

IX
Marine environment and marine resources

112. *Emphasizes once again* the importance of the implementation of Part XII of the Convention in order to protect and preserve the marine environment and its living marine resources against pollution and physical degradation, and calls upon all States to cooperate and take measures consistent with the Convention, directly or through competent international organizations, for the protection and preservation of the marine environment;

113. *Notes* the work of the Intergovernmental Panel on Climate Change, including its findings on the acidification of oceans, and in this regard encourages States and competent international organizations and other relevant institutions, individually and in cooperation, to urgently pursue further research on ocean acidification, especially programmes of observation and measurement, noting in particular paragraph 4 of decision IX/20 adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Bonn, Germany, from 19 to 30 May 2008,[44] and to increase national, regional and international efforts to address levels of ocean acidity and the negative impact of such acidity on vulnerable marine ecosystems, particularly coral reefs;

114. *Encourages* States, individually or in collaboration with relevant international organizations and bodies, to enhance their scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation;

115. *Also encourages* States that have not yet done so to ratify or accede to international agreements addressing the protection and preservation of the marine environment and its living marine resources against the introduction of harmful aquatic organisms and pathogens and marine pollution from all sources, including the dumping of wastes and other matter, and other forms of physical degradation, as well as agreements that provide for preparedness for, response to and cooperation on pollution incidents and that include provisions on liability and compensation for damage resulting from marine pollution, and to adopt the necessary measures consistent with international law, including the Convention, aimed at implementing and enforcing the rules contained in those agreements;

116. *Further encourages* States, directly or through competent international organizations, to consider the further development, as appropriate and consistent with international law, including the Convention, of environmental impact assessment processes covering planned activities under their jurisdiction or control that may cause substantial pollution of, or significant and harmful changes to, the marine environment;

117. *Encourages* States to become Parties to regional seas conventions addressing the protection and preservation of the marine environment;

118. *Also encourages* States, in accordance with international law, including the Convention and other relevant instruments, either bilaterally or regionally, to jointly develop and promote contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity;

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[44] See UNEP/CBD/COP/9/29, annex I.

119. *Recognizes* the importance of improving understanding of the impact of climate change on the ocean, and expresses appreciation to the Government of Indonesia for holding the World Ocean Conference in Manado, Indonesia, from 11 to 15 May 2009, at which the Manado Ocean Declaration was adopted;

120. *Welcomes* the activities of the United Nations Environment Programme relating to marine debris carried out in cooperation with relevant United Nations bodies and organizations, and encourages States to further develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

121. *Urges* States to integrate the issue of marine debris into national strategies dealing with waste management in the coastal zone, ports and maritime industries, including recycling, reuse, reduction and disposal, and to encourage the development of appropriate economic incentives to address this issue, including the development of cost recovery systems that provide an incentive to use port reception facilities and discourage ships from discharging marine debris at sea, and encourages States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes for marine debris;

122. *Notes* the work of the International Maritime Organization to prevent pollution by garbage from ships, including the current review by the Marine Environment Protection Committee of the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, on the prevention of pollution by garbage from ships, and encourages States and relevant international organizations to contribute to this work through participation in the relevant processes of the Marine Environment Protection Committee;

123. *Encourages* States that have not done so to become Parties to the Protocol of 1997 (Annex VI-Regulations for the Prevention of Air Pollution from Ships) to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Protocol"), and furthermore to ratify or accede to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004,[45] thereby facilitating its early entry into force;

124. *Takes note* of the adoption of amendments to the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to reduce harmful emissions from ships;

125. *Notes* the ongoing work of the International Maritime Organization in accordance with its resolution on International Maritime Organization policies and practices related to the reduction of greenhouse gas emissions from ships;[46]

126. *Urges* States to cooperate in correcting the shortfall in port waste reception facilities in accordance with the action plan to address the inadequacy of

[45] International Maritime Organization, document BWM/CONF/36, annex.

[46] International Maritime Organization, Assembly resolution A.963(23).

port waste reception facilities developed by the International Maritime Organization;

127. *Recognizes* that most of the pollution load of the oceans emanates from land-based activities and affects the most productive areas of the marine environment, and calls upon States as a matter of priority to implement the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[47] and to take all appropriate measures to fulfil the commitments of the international community embodied in the Beijing Declaration on furthering the implementation of the Global Programme of Action;[48]

128. *Expresses its concern* regarding the spreading of hypoxic dead zones in oceans as a result of eutrophication fuelled by riverine run-off of fertilizers, sewage outfall and reactive nitrogen resulting from the burning of fossil fuels and resulting in serious consequences for ecosystem functioning, and calls upon States to enhance their efforts to reduce eutrophication and, to this effect, to continue to cooperate within the framework of relevant international organizations, in particular the Global Programme of Action;

129. *Calls upon* all States to ensure that urban and coastal development projects and related land-reclamation activities are carried out in a responsible manner that protects the marine habitat and environment and mitigates the negative consequences of such activities;

130. *Notes* the agreement of the twenty-fifth session of the United Nations Environment Programme Governing Council/Global Ministerial Environment Forum, held in Nairobi from 16 to 20 February 2009, on a process and timetable for the negotiation of a global legally binding instrument on mercury to reduce the risks to human health and the environment arising from worldwide emission and discharges of mercury;

131. *Welcomes* the continued work of States, the United Nations Environment Programme and regional organizations in the implementation of the Global Programme of Action, and encourages increased emphasis on the link between freshwater, the coastal zone and marine resources in the implementation of international development goals, including those contained in the United Nations Millennium Declaration,[7] and of the time-bound targets in the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[12] in particular the target on sanitation, and the Monterrey Consensus of the International Conference on Financing for Development;[49]

132. *Recalls* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 ("the London Convention") and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,[50] in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol

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[47] See A/51/116, annex II.

[48] UNEP/GPA/IGR.2/7, annex V.

[49] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[50] International Maritime Organization, document LC 30/16, annex 6, resolution LC-LP.1 (2008).

includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1(b), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

133. *Further recalls* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,[44] in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol, requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes;

134. *Reaffirms* paragraph 119 of its resolution 61/222 of 20 December 2006 regarding ecosystem approaches and oceans, including the proposed elements of an ecosystem approach, means to achieve implementation of an ecosystem approach and requirements for improved application of an ecosystem approach, and in this regard:

(a) *Notes* that continued environmental degradation in many parts of the world and increasing competing demands require an urgent response and the setting of priorities for management actions aimed at conserving ecosystem integrity;

(b) *Notes* that ecosystem approaches to ocean management should be focused on managing human activities in order to maintain and, where needed, restore ecosystem health to sustain goods and environmental services, provide social and economic benefits for food security, sustain livelihoods in support of international development goals, including those contained in the Millennium Declaration, and conserve marine biodiversity;

(c) *Recalls* that States should be guided in the application of ecosystem approaches by a number of existing instruments, in particular the Convention, which sets out the legal framework for all activities in the oceans and seas, and its implementing Agreements, as well as other commitments, such as those contained in the Convention on Biological Diversity[51] and the World Summit on Sustainable Development call for the application of an ecosystem approach by 2010;

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[51] United Nations, *Treaty Series*, vol. 1760, No. 30619.

(d) *Encourages* States to cooperate and coordinate their efforts and take, individually or jointly, as appropriate, all measures, in conformity with international law, including the Convention and other applicable instruments, to address impacts on marine ecosystems within and beyond areas of national jurisdiction, taking into account the integrity of the ecosystems concerned;

135. *Invites* competent organizations and bodies that have not yet done so to examine the possibility of incorporating ecosystem approaches into their mandates in order to address impacts on marine ecosystems;

136. *Invites* States, in particular those States with advanced technology and marine capabilities, to explore prospects for improving cooperation with, and assistance to, developing States, in particular least developed countries and small island developing States, as well as coastal African States, with a view to better integrating into national policies and programmes sustainable and effective development in the marine sector;

137. *Encourages* the competent international organizations, the United Nations Development Programme, the World Bank and other funding agencies to consider expanding their programmes within their respective fields of competence for assistance to developing countries and to coordinate their efforts, including in the allocation and application of Global Environment Facility funding;

138. *Notes* the information provided in the study prepared by the Secretariat[52] in relation to the assistance available to and measures that may be taken by developing States, in particular the least developed countries and small island developing States, as well as coastal African States, to realize the benefits of sustainable and effective development of marine resources and uses of the oceans, as provided by States and competent international organizations and global and regional funding agencies, and urges them to provide further information for the annual report of the Secretary-General and for incorporation on the website of the Division;

139. *Takes note* of the adoption by the International Conference on the Safe and Environmentally Sound Recycling of Ships, held in Hong Kong, China, from 11 to 15 May 2009, of the International Convention for the Safe and Environmentally Sound Recycling of Ships and six resolutions related to the Convention,[53] and encourages States to ratify or accede to this Convention to facilitate its early entry into force;

140. *Also takes note* of the role of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in protecting the marine environment against the adverse effects which may result from such wastes;

X
Marine biodiversity

141. *Reaffirms* its role relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, notes the work of States and relevant intergovernmental organizations and bodies on those issues, and

[52] A/63/342.

[53] International Maritime Organization, documents SR/CONF/45 and SR/CONF/46.

invites them to contribute to its consideration of these issues within the areas of their respective competence;

142. *Notes* the discussion on the relevant legal regime on marine genetic resources in areas beyond national jurisdiction in accordance with the Convention, and calls upon States to further consider this issue in the context of the mandate of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction ("the Ad Hoc Open-ended Informal Working Group"), with a view to making further progress on this issue;

143. *Recognizes* the abundance and diversity of marine genetic resources and their value in terms of the benefits, goods and services they can provide;

144. *Also recognizes* the importance of research on marine genetic resources for the purpose of enhancing the scientific understanding, potential use and application, and enhanced management of marine ecosystems;

145. *Encourages* States and international organizations, including through bilateral, regional and global cooperation programmes and partnerships, to continue in a sustainable and comprehensive way to support, promote and strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research, taking into account, in particular, the need to create greater taxonomic capabilities;

146. *Reaffirms* its request to the Secretary-General to convene a meeting of the Ad Hoc Open-ended Informal Working Group in accordance with paragraphs 127 to 130 of resolution 63/111, to take place from 1 to 5 February 2010, to provide recommendations to the General Assembly;

147. *Takes note* of the report of the Secretary-General relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, prepared in response to the request in paragraph 128 of resolution 63/111;[54]

148. *Invites* States to further consider, at the upcoming meeting of the Ad Hoc Open-ended Informal Working Group, in the context of its mandate, issues of marine protected areas and environmental impact assessment processes;

149. *Notes* the work under the Jakarta Mandate on Marine and Coastal Biological Diversity[55] and the Convention on Biological Diversity elaborated programme of work on marine and coastal biological diversity,[56] as well as the relevant decisions adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity;[44]

150. *Reaffirms* the need for States, individually or through competent international organizations, to urgently consider ways to integrate and improve, based on the best available scientific information and the precautionary approach and in accordance with the Convention and related agreements and instruments, the management of risks to the marine biodiversity of seamounts, cold water corals, hydrothermal vents and certain other underwater features;

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[54] A/64/66/Add.2.

[55] See A/51/312, annex II, decision II/10.

[56] UNEP/CBD/COP/7/21, annex, decision VII/5, annex I.

151. *Calls upon* States and international organizations to urgently take further action to address, in accordance with international law, destructive practices that have adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals;

152. *Calls upon* States to strengthen, in a manner consistent with international law, in particular the Convention, the conservation and management of marine biodiversity and ecosystems and national policies in relation to marine protected areas;

153. *Reaffirms* the need for States to continue and intensify their efforts, directly and through competent international organizations, to develop and facilitate the use of diverse approaches and tools for conserving and managing vulnerable marine ecosystems, including the possible establishment of marine protected areas, consistent with international law, as reflected in the Convention, and based on the best scientific information available, and the development of representative networks of any such marine protected areas by 2012;

154. *Notes* the work of States, relevant intergovernmental organizations and bodies, including the Convention on Biological Diversity, in the assessment of scientific information on, and compilation of ecological criteria for the identification of, marine areas that require protection, in light of the objective of the World Summit on Sustainable Development to develop and facilitate the use of diverse approaches and tools, such as the establishment of marine protected areas consistent with international law, as reflected in the Convention, and based on scientific information, including representative networks by 2012, and notes with satisfaction that the Conference of the Parties to the Convention on Biological Diversity at its ninth meeting adopted scientific criteria for identifying ecologically or biologically significant marine areas in need of protection in open-ocean waters and deep-sea habitats and the scientific guidance for selecting areas to establish representative networks of marine protected areas, including in open-ocean waters and deep-sea habitats, and took note of the four initial steps to be considered in the development of representative networks of marine protected areas;[57]

155. *Also notes* the work of the expert workshop on scientific and technical guidance on the use of biogeographic classification systems and identification of marine areas beyond national jurisdiction in need of protection of the Convention on Biological Diversity, held in Ottawa from 29 September to 2 October 2009;

156. *Encourages* States to foster progress in the implementation of the 2012 target for the establishment of marine protected areas, including representative networks, and calls upon States to further consider options to identify and protect ecologically or biologically significant areas, consistent with international law and on the basis of the best available scientific information;

157. *Acknowledges* the Micronesia Challenge, the Eastern Tropical Pacific Seascape project, the Caribbean Challenge and the Coral Triangle Initiative, which in particular seek to create and link domestic marine protected areas to better facilitate ecosystem approaches, and reaffirms the need for further international cooperation, coordination and collaboration in support of such initiatives;

[57] UNEP/CBD/COP/9/29, annex I, decision IX/20, annexes I and II.

158. *Reiterates its support* for the International Coral Reef Initiative, takes note of the International Coral Reef Initiative General Meeting, held in Phuket, Thailand, from 20 to 23 April 2009, and supports the work under the Jakarta Mandate on Marine and Coastal Biological Diversity and the elaborated programme of work on marine and coastal biological diversity related to coral reefs;

159. *Encourages* States and relevant international institutions to improve efforts to address coral bleaching by, inter alia, improving monitoring to predict and identify bleaching events, supporting and strengthening action taken during such events and improving strategies to manage reefs to support their natural resilience and enhance their ability to withstand other pressures, including ocean acidification;

160. *Encourages* States to cooperate, directly or through competent international bodies, in exchanging information in the event of accidents involving vessels on coral reefs and in promoting the development of economic assessment techniques for both restoration and non-use values of coral reef systems;

161. *Emphasizes* the need to mainstream sustainable coral reef management and integrated watershed management into national development strategies, as well as into the activities of relevant United Nations agencies and programmes, international financial institutions and the donor community;

162. *Encourages* further research, studies and consideration of the impacts of ocean noise on marine living resources, and requests the Division to continue to compile the peer-reviewed scientific studies it receives from Member States and intergovernmental organizations pursuant to paragraph 107 of resolution 61/222 and, as appropriate, to make them, or references and links to them, available on its website;

163. *Welcomes* 2010 as the International Year of Biodiversity;[58]

XI
Marine science

164. *Calls upon* States, individually or in collaboration with each other or with relevant international organizations and bodies, to continue to strive to improve understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with the Convention;

165. *Notes* the contribution of the Census of Marine Life to marine biodiversity research, and encourages participation in the initiative;

166. *Takes note with appreciation* of the work of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, with the advice of the Advisory Body of Experts on the Law of the Sea, on the development of procedures for the implementation of Parts XIII and XIV of the Convention, and notes further the resolutions adopted by the Intergovernmental Oceanographic Commission in this regard;

[58] See resolution 61/203.

167. *Encourages* the Advisory Body to continue its work, in cooperation with the Division, on the practice of Member States related to marine scientific research and transfer of marine technology within the framework of the Convention;

168. *Notes with appreciation* the work carried out by the Group of Experts at its meeting held in New York from 20 to 24 April 2009, to assist the Division in the revision of the publication entitled *Marine Scientific Research: A guide to the implementation of the relevant provisions of the United Nations Convention on the Law of the Sea*[59] and further notes that consistent with such work the revised version is scheduled to be issued as a publication of the United Nations in 2010;

169. *Stresses* the importance of increasing the scientific understanding of the oceans-atmosphere interface, including through participation in ocean observing programmes and geographic information systems, such as the Global Ocean Observing System, sponsored by the Intergovernmental Oceanographic Commission, the United Nations Environment Programme, the World Meteorological Organization and the International Council for Science, particularly considering their role in monitoring and forecasting climate change and variability and in the establishment and operation of tsunami warning systems;

170. *Takes note with appreciation* of the progress made by the Intergovernmental Oceanographic Commission and Member States towards the establishment of regional and national tsunami warning and mitigation systems, welcomes the continued collaboration of the United Nations and other intergovernmental organizations in this effort, and encourages Member States to establish and sustain their national warning and mitigation systems, within a global, ocean-related multi-hazard approach, as necessary, to reduce loss of life and damage to national economies and strengthen the resilience of coastal communities to natural disasters;

171. *Takes note* of resolution XXV-13, on the global coordination of early warning and mitigation systems for tsunamis and other sea-level-related hazards, adopted by the Assembly of the Intergovernmental Oceanographic Commission at its twenty-fifth session, held in Paris from 16 to 25 June 2009;

172. *Expresses* its concern at the intentional or unintentional damage to platforms used for ocean observation and marine scientific research, such as moored buoys and tsunameters, and urges States to take necessary action and to cooperate in relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission and the World Meteorological Organization, to address such damage;

XII
Regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

173. *Reiterates* the need to strengthen the regular scientific assessment of the state of the marine environment in order to enhance the scientific basis for policymaking;

[59] United Nations publication, Sales No. E.91.V.3.

174. *Notes with appreciation* the report on the "assessment of assessments" of the Group of Experts,[60] and acknowledges the support of the United Nations Environment Programme and the Intergovernmental Oceanographic Commission, the lead agencies of the "assessment of assessments";

175. *Takes note* of the report on the results of the "assessment of assessments" submitted by the lead agencies pursuant to resolution 60/30, which also includes, in accordance with resolution 63/111, the report of the fourth meeting of the Ad Hoc Steering Group for the "assessment of assessments", held in Paris from 15 to 17 April 2009;[5]

176. *Welcomes* the meeting of the Ad Hoc Working Group of the Whole to recommend a course of action to the General Assembly at its sixty-fourth session based on the outcomes of the fourth meeting of the Ad Hoc Steering Group, convened in New York from 31 August to 4 September 2009 in accordance with paragraph 157 of resolution 63/111;

177. *Endorses* the recommendations adopted by the Ad Hoc Working Group of the Whole that propose a framework for the Regular Process, describe its first cycle and a way forward, and stress the need for further progress to be made on the modalities for the implementation of the Regular Process prior to the sixty-fifth session of the General Assembly;

178. *Requests* that the Secretary-General convene an informal meeting of the Ad Hoc Working Group of the Whole from 30 August to 3 September 2010 to further consider and make recommendations to the General Assembly at its sixty-fifth session on the modalities for the implementation of the regular process, including the key features, institutional arrangements and financing, and to specify the objective and scope of its first cycle, key questions to be answered and primary target audiences, in order to ensure that assessments are relevant for decision-makers, as well as on the terms of reference for the voluntary trust fund and the scholarship fund referred to in paragraph 183;

179. *Invites* States, as a means to facilitate decisions on the first cycle of the Regular Process, to submit their views to the Secretary-General on the fundamental building blocks of the regular process, and requests the Secretary-General to present these views in the context of his annual report on oceans and the law of the sea to the General Assembly at its sixty-fifth session;

180. *Requests* the Secretary-General to invite the Chairs of the regional groups to constitute a group of experts, ensuring adequate expertise and geographical distribution, comprised of a maximum of 25 experts and no more than five experts per regional group, for a period up to and including the meeting of the Ad Hoc Working Group of the Whole referred to in paragraph 178;

181. *Requests* the group of experts to respond and make suggestions on the issues listed in paragraph 60 of document A/64/88 at the next meeting of the Ad Hoc Working Group of the Whole, including the possibility of conducting preparatory work, as appropriate, and subject to the availability of funds, taking into account the views and observations submitted by States;

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[60] A/64/88.

182. *Requests* the Division to provide support for the regular process as noted in paragraphs 178, 179, 180, 181 and 183 using existing resources or resources from the voluntary trust fund, in cooperation, as appropriate, with relevant United Nations specialized agencies and programmes;

183. *Requests* the Secretary-General to establish a voluntary trust fund for the purpose of supporting the operations of the first five-year cycle of the regular process, including for the provision of assistance to the experts referred to in paragraph 180 from developing countries, in particular least developed countries, small island developing States and landlocked developing States, attending the meeting of the Ad Hoc Working Group of the Whole in 2010, as well as a special scholarship fund to support training programmes for developing countries, and encourages Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to contribute to the funds;

XIII
Regional cooperation

184. *Notes* that there have been a number of initiatives at the regional level, in various regions, to further the implementation of the Convention, takes note in that context of the Caribbean-focused Assistance Fund, which is intended to facilitate, mainly through technical assistance, the voluntary undertaking of maritime delimitation negotiations between Caribbean States, takes note once again of the Fund for Peace: Peaceful Settlement of Territorial Disputes, established by the General Assembly of the Organization of American States in 2000 as a primary mechanism, given its broader regional scope, for the prevention and resolution of pending territorial, land border and maritime boundary disputes, and calls upon States and others in a position to do so to contribute to these funds;

XIV
Open-ended informal consultative process on oceans and the law of the sea

185. *Welcomes* the report on the work of the Consultative Process at its tenth meeting,[3] focused on the implementation of the outcomes of the Consultative Process, including a review of its achievements and shortcomings in its first nine meetings;

186. *Recognizes* the role of the Consultative Process as a unique forum for comprehensive discussions on issues related to oceans and the law of the sea, consistent with the framework provided by the Convention and chapter 17 of Agenda 21,[6] and that the perspective of the three pillars of sustainable development should be further enhanced in the examination of the selected topics;

187. *Welcomes* the work of the Consultative Process and its contribution to improving coordination and cooperation between States and strengthening the annual debate of the General Assembly on oceans and the law of the sea by effectively drawing attention to key issues and current trends;

188. *Also welcomes* efforts to improve and focus the work of the Consultative Process and, in that respect, recognizes the primary role of the Consultative Process in integrating knowledge, the exchange of opinions among multiple stakeholders, coordination among competent agencies, and enhancing awareness of topics,

including emerging issues, while promoting the three pillars of sustainable development, and recommends that the Consultative Process devise a transparent, objective and inclusive process for the selection of topics and panellists, so as to facilitate the work of the General Assembly during the informal consultations concerning the annual resolution on oceans and the law of the sea;

189. *Recalls* the need to strengthen and improve the efficiency of the Consultative Process, and encourages States, intergovernmental organizations and programmes to provide guidance to the co-chairpersons to this effect, particularly before and during the preparatory meeting for the Consultative Process, and recalls its decision in this regard, in resolution 63/111, that the eleventh meeting of the Consultative Process shall be based on the decisions taken by the General Assembly at its sixty-fourth session;

190. *Requests* the Secretary-General to convene, in accordance with paragraphs 2 and 3 of resolution 54/33, the eleventh meeting of the Consultative Process in New York from 21 to 25 June 2010, to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division, in cooperation with other relevant parts of the Secretariat, as appropriate;

191. *Expresses its serious concern* regarding the lack of resources available in the voluntary trust fund established by resolution 55/7 for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending the meetings of the Consultative Process, and urges States to make additional contributions to the trust fund;

192. *Decides* that those representatives from developing countries who are invited by the co-chairpersons, in consultation with Governments, to make presentations during the meetings of the Consultative Process shall receive priority consideration in the disbursement of funds from the voluntary trust fund established by resolution 55/7 in order to cover the costs of their travel, and shall also be eligible to receive daily subsistence allowance subject to the availability of funds after the travel costs of all other eligible representatives from those countries mentioned in paragraph 191 above have been covered;

193. *Also decides* that, in its deliberations on the report of the Secretary-General on oceans and the law of the sea, the Consultative Process at its eleventh meeting will focus its discussions on capacity-building in ocean affairs and the law of the sea, including marine science;

XV
Coordination and cooperation

194. *Encourages* States to work closely with and through international organizations, funds and programmes, as well as the specialized agencies of the United Nations system and relevant international conventions, to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues;

195. *Encourages* bodies established by the Convention to strengthen coordination and cooperation, as appropriate, in fulfilling their respective mandates;

196. *Requests* the Secretary-General to bring the present resolution to the attention of heads of intergovernmental organizations, the specialized agencies, funds and programmes of the United Nations engaged in activities relating to ocean affairs and the law of the sea, as well as funding institutions, and underlines the importance of their constructive and timely input for the report of the Secretary-General on oceans and the law of the sea and of their participation in relevant meetings and processes;

197. *Welcomes* the work done by the secretariats of relevant United Nations specialized agencies, programmes, funds and bodies and the secretariats of related organizations and conventions to enhance inter-agency coordination and cooperation on ocean issues, including through UN-Oceans, the inter-agency coordination mechanism on ocean and coastal issues within the United Nations system;

198. *Encourages* continued updates to Member States by UN-Oceans regarding its priorities and initiatives, in particular with respect to the proposed participation in UN-Oceans;

XVI
Activities of the Division for Ocean Affairs and the Law of the Sea

199. *Expresses its appreciation* to the Secretary-General for the annual comprehensive report on oceans and the law of the sea, prepared by the Division, as well as for the other activities of the Division, which reflect the high standard of assistance provided to Member States by the Division;

200. *Notes with satisfaction* the first observance of World Oceans Day by the United Nations on 8 June 2009 and invites the Division to continue to promote and facilitate international cooperation on the law of the sea and ocean affairs in the context of future observances of World Oceans Day as well as through its participation in other events such as the World Expo to be held in Shanghai, China, in 2010, and the World Expo to be held in Yeosu, Republic of Korea, in 2012, and the European Union Maritime Day to be celebrated in Gijón, Spain, from 19 to 21 May 2010;

201. *Requests* the Secretary-General to continue to carry out the responsibilities and functions entrusted to him in the Convention and by the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, and to ensure the allocation of appropriate resources to the Division for the performance of its activities under the approved budget for the Organization;

XVII
Sixty-fifth session of the General Assembly

202. *Requests* the Secretary-General to prepare a comprehensive report, in its current extensive format and in accordance with established practice, for the consideration of the General Assembly at its sixty-fifth session, on developments and issues relating to ocean affairs and the law of the sea, including the implementation of the present resolution, in accordance with resolutions 49/28, 52/26 and 54/33, and to make the section of the report related to the topic that is the focus of the eleventh meeting of the Consultative Process available at least six weeks in advance of the meeting of the Consultative Process;

203. *Emphasizes* the critical role of the annual comprehensive report of the Secretary-General, which integrates information on developments relating to the implementation of the Convention and the work of the Organization, its specialized agencies and other institutions in the field of ocean affairs and the law of the sea at the global and regional levels, and as a result constitutes the basis for the annual consideration and review of developments relating to ocean affairs and the law of the sea by the General Assembly as the global institution having the competence to undertake such a review;

204. *Notes* that the report referred to in paragraph 202 above will also be submitted to States Parties pursuant to article 319 of the Convention regarding issues of a general nature that have arisen with respect to the Convention;

205. *Also notes* the desire to further improve the efficiency of, and effective participation of delegations in, the informal consultations concerning the annual General Assembly resolution on oceans and the law of the sea and the resolution on sustainable fisheries, and decides that the period of the informal consultations on both resolutions should not exceed a maximum of four weeks in total and that the consultations be scheduled in such a way that the Division has sufficient time to produce the report referred to in paragraph 202 above, and invites States to submit text proposals for inclusion in the resolutions to the coordinators of the informal consultations at the earliest possible date;

206. *Decides* to include in the provisional agenda of its sixty-fifth session the item entitled "Oceans and the law of the sea".